

**Members Present:**

Peter Klose (Chairman)  
Daniel Jean-Gilles  
Alan Englander  
Seth Kestenbaum  
Peter Voletsky

**Also Present:**

Walter Sevastian  
Don Yacopino, Building Inspector  
Bob Galvin—Village Planner

Elijah Reichlin-Melnick-Alternate

**Absent:** Donald Wilen-Alternate

**Other Business:** Motion to approve the January 4, 2016 Minutes-- second by Jean Gilles--  
Approved by a Vote of 5-0.

**1. 176 North Franklin Street. Rocco Perini. Application for removal of twelve trees. Arborist's letter included. Property**

**Applicant--** -- NO APPEARANCE, -- APPLICATION IS APPARENTLY ON HOLD WHILE THE TREE COMMITTEE GETS ORGANIZED **Public Comment - NONE Board-- APPLICATION IS OPEN**

**2. WY Management. Application for subdivision to merge recently acquired property, amended site plan approval and recommendation to Zoning Board of Appeals for area variances required for additional building height. Property is in M zoning district.**

**Building Inspector--***This is an application for an amended Site Plan approval and with the Zoning Board of Appeals having granted the additional **height variance** for rooftop structures greater in height permitted by a previously issued variance and for changes to the appearance of the building without ARB or Planning Board approval. Rockland County Planning has weighed in on the Sub-Division and the Site plan and this Board and the applicant are working to adopt some of the comments, the final resolution will deal with the remaining.*

**Excluded from building height calculations are rooftop bulkheads, elevator penthouses, mechanical equipment comprising not more than 10% of horizontal area of roof and parapet walls four (4) feet or less in height from roof. Plumbing fixtures and associated rough plumbing have been eliminated from rooftop structure as of 1/28/2016 field inspection. A variance for the elevator is still required from NYS DOS for which the applicant is in the process of filing. Should additional improvements be added the applicant will have to satisfy the Building Code of New York State a variance must be obtained from the New York State Department of State for the additional height, if the applicant chooses not to lower the roof.**

This is an unlisted action for which the Village Planner has prepared a recommended Neg. Dec. Included are the revised Part 1 and Parts 2 and 3 of the EAF for the Hotel's amended

Nyack Planning Board-- February 1, 2016

subdivision and site plan. The Part 3 makes reference to the added visual analysis (added photographs from the Building Department dated January 27, 2016) and the ZBA granting of the height variances considering the update visual analysis and the addition of proposed radius rooftop structure as a cosmetic feature to soften the effect of the vertical elevator shafts. Also mentioned no rooftop occupancy proposed. The Planning Board has already conducted an extensive environmental review of the original subdivision and site plan including drainage, visual impacts and traffic impacts. The amended action does not increase the capacity of the Hotel and the added properties are now integrated into the overall hotel project and does not alter the Board's original evaluation.

LWRP --- Based on review of the CAF, there are no additional impacts on any of the policies and the Board can determine that the amended action is consistent with the Village's LWRP.

**Amended Site Plan** – *there are a number of issues that need to be determined before the Board can complete its site plan review. The Board can coordinate its SEQRA review for the unlisted action with the ZBA and if required, NYS DOS indicating that the Planning Board will maintain its function as lead agency. Once the Board receives communications back from the respective agencies, they can proceed to make a final determination on the amended site plan and close out SEQRA. Note: SEQRA was closed out by the Planning Board at this meeting.*

**Applicant--** Will revise the plans, comply with the Engineer's comments and the Rockland County Department of Planning and will supply additional documentation for consideration by the Board

**Public Comment - NONE**

**Board--** *Notes the Building Department comments and concerns that the plans be moving toward final resolution for site plan and subdivision approvals.*

*Chairman Klose believes that the PB can issue a Negative Declaration under SEQRA this evening and make a positive consistency determination. The forms and recommendations are in your packages. The Board can also approve the amended application and then authorize staff to prepare the final resolution for (the March Planning Board meeting?) your March meeting. This will allow the applicant to complete certain items such as the Project Narrative owed to County Planning and several other building department issues such as capping the utilities in the elevator shaft. He has already started the NYS variance for the elevator and has contacted appropriate authority. The formal PB resolution will address all of these issues and memorialize them and override the County Planning as needed. The Building Inspector has also provided additional photographs of the building from that angle.*

*The Planning Board closes the SEQRA and LWRP review and issues a Negative Declaration relative to the amended site plan and seconded by Voletsky and Vote 5-0 agreeing.*

*The Rockland County Planning Comments have been addressed. Member Klose will have the authority to sign the EAF- and Neg. Dec.*

Nyack Planning Board-- February 1, 2016

*The Board further considered and found the project to be consistent with the EAF and Neg Dec prepared by the Village Planner-- Second by Jean Gilles 5-0.*

*The Board further considered and found the project to be consistent with the CAF and LWRP prepared by the Village Planner-- Second by Jean Gilles 5-0. and*

*Subject to the Village Planner drafting a final Memorandum and Resolution, the Building Department and the Attorney needs easements to be shown and preparing a final resolution for site plan and subdivision approval shall be adopted subject to approval of the final title report and adoption of the site plan application and three new parcels. Subject to receipt of the title report and policy to satisfy the village attorney together with a project narrative to show the approval of the sub-division plans.*

*Final Resolution scheduled for next month.*

**OTHER BUSINESS--** Motion to adjourn by Chairman Klose, seconded by member Voletsky - passed by a vote of 5-0. Meeting adjourned at 8:15 pm.

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### ***Planning Board Work Session***

3. ***Revised proposed Text Amendment for the WF Zoning District. For Planning Board review and recommendation to the Board of Trustees per the requirements found in Article V VON § 360-5.6 B.***

*Village Attorney-- The Village Board of Trustees has generated a revised proposed Text Amendment for the WF Zoning District, which amendment purports to incorporate the Planning Board's suggestions made in its previous review of proposed text amendment language in the Board's recommendation issued on June 11, 2015. Village Code section 360-5.6(B).*

*Board Review-- Local Law #1 of 2016 A Local Law to amend Section 360-2.5 (B) of the Zoning Ordinance of the Village of Nyack as pertains to the WF Zoning District. On April 2, 2015, the Nyack Village Board received a Petition (and supporting documentation) from an entity known as TZ Vista, LLC, seeking to amend section 360-2.5(B) of the Zoning Code of the Village of Nyack, which section contains the zoning requirements applicable in the Waterfront Development District (WF Zoning District) in Nyack. Upon receipt of the Petition, the Village Board, in compliance with the provisions of its local law governing Petitions to amend the zoning text, referred the Petition for review and comments to the Nyack Planning Board (required by Village Code section 360-5.6(B)(3)(a)), and to the Rockland County Department of Planning (required by Village Code section 360-5.6(B)(3)(b), and General Municipal Law 239 (L) & (M)). Additionally, the Village Board sought comments on the Petition from the Village of Nyack Planning Consultant Robert Galvin, as well as from BJB Planning Consultants*

Nyack Planning Board-- February 1, 2016

*(an experienced private consulting firm previously retained by the Village of Nyack to provide professional expertise in planning, design, environmental analysis, real estate and transportation).*

*We note that the Village Board engaged BFJ Planning to incorporate many of the recommendations set forth in the Planning Board's previous review of June 11, 2015, most notably:*

- 1. A reduced Building height from the original proposal as recommended by the PB is included (now limited to 52' **only if** reduction of building width is reduced or step-back design is adopted).*
- 2. A reduced increase in FAR is included (with a capped residential density #) **only if** more detailed Waterfront improvements are provided, such as an expansion of the nature and scope of required public access to the waterfront - 30 foot wide access along the whole property length, pedestrian access a minimum of every 200 feet from the nearest adjacent west-west streets, restaurant inclusion, **and only if** detailed extensive design guidelines physically set forth in the law are incorporated into the project.*
- 3. Modified parking requirements available **only if** parking is built underground.*

*Chairman Klose-- Upon review of the Proposed Local Law #1 2016, and all of the proposed text amendments to such law, the Planning Board notes that many of our recommendations were considered and a modified version adopted in the updated proposed legislation; and Planning Board would move to support this version of the text amendment based upon the Planning Board's recommendations which were adopted by the Village Board, and also based upon the Planning Board's findings and recommendations from its prior review (June 11, 2015) and report to Village Board dated July 9, 2015; and would encourage the Village Board to plan and adopt responsible development of this Zoning District to enhance our community through responsible guidelines as outlined by the design concepts and zoning requirements of the Local Law. The Planning Board, however, again requests that the Village Board consider, analyze and otherwise comment and adopt a fee or other financial contribution requirement by a developer based upon a per square foot of bonusable and incentivised gross floor area (here from 0.9 FAR to 1.5 FAR) to be granted only upon payment to be used for off-site development for improvements and to fund public benefit off-site and at other public areas. The Planning Board would also suggest that the viewsheds and building setbacks as seen down the Village Streets (not just from Gedney) and that are within the viewsheds be stepped back to permit the widest possible viewshed at the highest point of the building to avoid the canyon effects of over sized tall buildings as we look toward the River. Seconded by Voletsky (Vote 5-0).*